



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

PUBLIC NOTICE

Project: Zone 4 Line A Channel Improvements Phase 2

NUMBER: 400610S

DATE: August 10, 2007

RESPONSE REQUIRED BY: August 27, 2007

PROJECT MANAGER: Holly Costa

PHONE: (415) 503-6780

Email: holly.n.costa@usace.army.mil

1. **INTRODUCTION:** The Alameda County Flood Control & Water Conservation District (399 Elmhurst St, Hayward, CA 94544) has applied for a Department of the Army permit to restore the design flood flow and protect the channel from erosion within the existing right of way of the Zone 4 Line A Flood Control Channel in the City of Hayward, Alameda County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:** The proposed project is located within an industrial area along 2,723 linear feet of earthen flood control channel. The channel is approximately 30 feet wide at the top and about 7.5 feet deep. The channel flows perennially with urban runoff. Habitat is limited to invasive grasses and forbs that are regularly sprayed and string trimmed by maintenance workers. The channel flows westerly in a straight, narrow corridor between two sets of railroad tracks. The channel has begun to meander and widen, severely eroding the banks at several locations and scouring both the channel bed and banks where concrete grade control structures and lateral pipe entries were placed. In addition, portions of the levee have subsided and/or have been eroded to a point where the channel will no longer be able to contain its design flood flow.

The proposed project would restore the design flood flow and protect the channel from erosion within the existing right of way. The levee would be restored and conform to the south bank and both

banks would be reconstructed with rock slope protection (approximately 1118 cubic yards of rip rap and 91 cubic yards of topsoil) along the lower five feet of the banks (Phase 2). The existing concrete lateral pipe entries and grade control structures would be removed and replaced with rock. The channel bed would be regraded with a consistent slope and would remain earthen. The upper 3 feet of the banks would remain earthen and seeded with native grasses and forbs. Additionally, the levee would be planted with a dense row of native shrubs. This project includes restoration features that would enhance the quality of habitat along the channel. No further mitigation has been proposed.

Phase 1 of this project, which consists of dewatering the project site and excavating accumulated sediment from the channel bed, was authorized under Nationwide Permit 33 – Temporary Construction, Access and Dewatering.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental

Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The proposed project will not impact any known threatened or endangered species.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). There are no EFH concerns with this proposed project.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water

Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is not within the Coastal Zone.

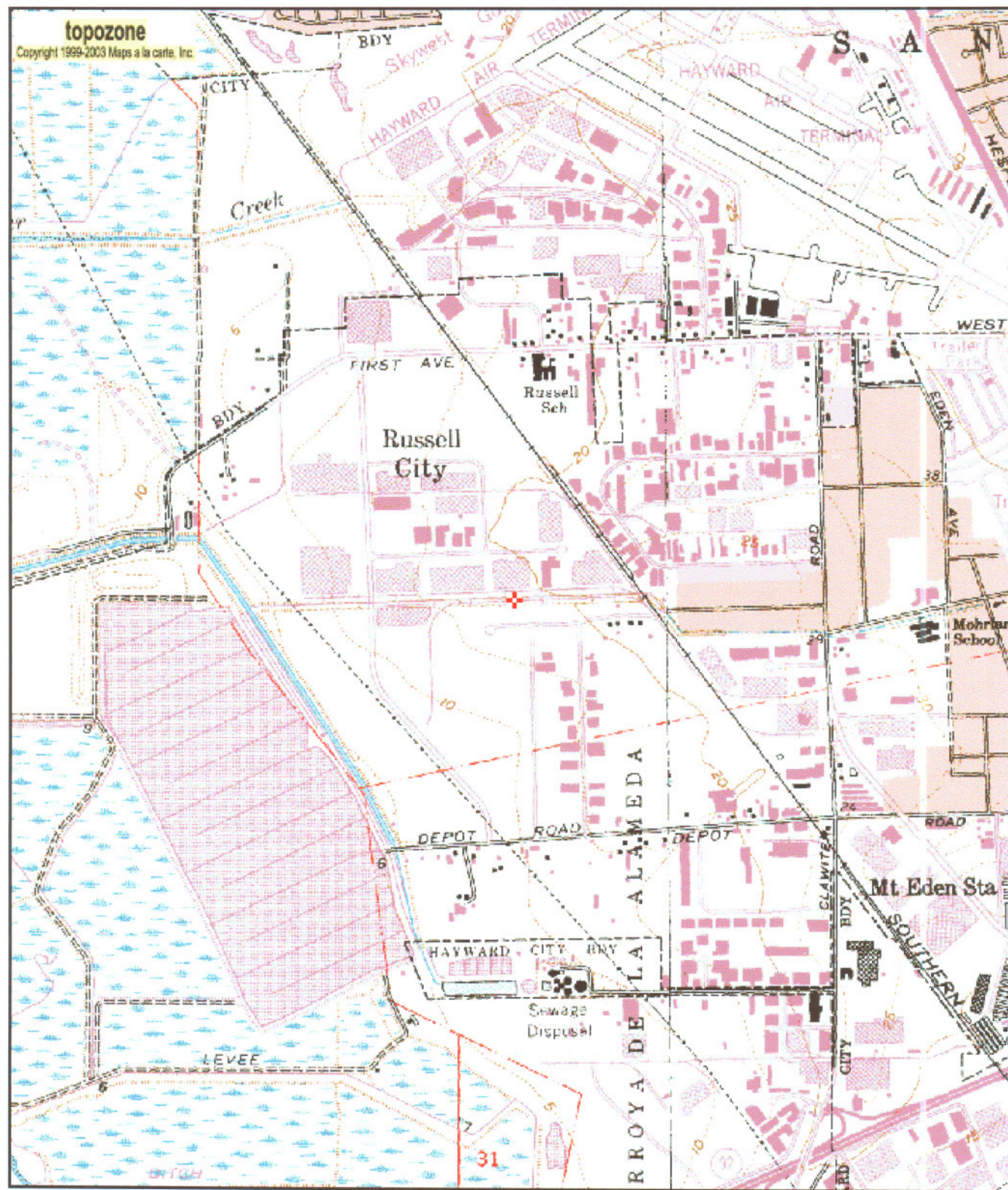
National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and

wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Holly Costa of our office at (415) 503-6780 or E-mail: holly.n.costa@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

37° 38' 43"N, 122° 07' 55"W (NAD83/WGS84)

USGS SAN LEANDRO (CA) Quadrangle
Projection is UTM Zone 10 NAD83

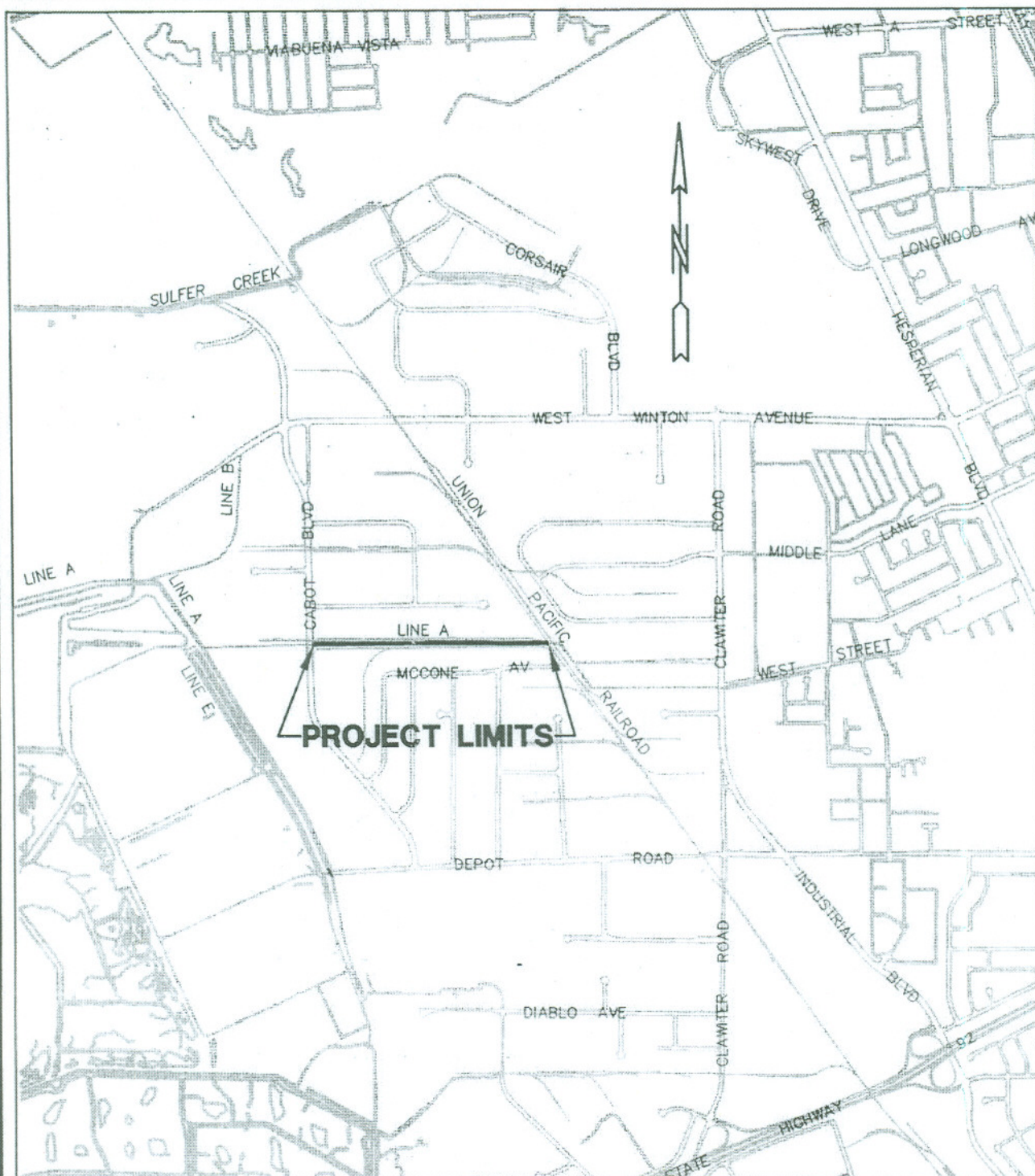
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W.O. NO. F04C09

SPEC. NO. FC4-38

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

ZONE NO. 4, LINE A

**HAYWARD
LOCATION MAP**

DRAWN	LEL	CHECKED	AG	DATE	JUNE 2006	SCALE	NONE	FILE NO.	-	SHEET NO.	L-1
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TYPICAL SECTIONS UPSTREAM OF CABOT BLVD.

FOR REDUCED ENGLISH PLANS
ORIGINAL SCALE IS IN INCHES

[illegible]